

MEETING OF THE
KAUAI COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
THURSDAY, DECEMBER 3, 2015
3:00 p.m. (or soon thereafter)
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A/2B
4444 Rice Street, Līhu'e, Kaua'i

AGENDA

CALL TO ORDER

APPROVAL OF THE AGENDA

APPROVAL OF THE NOVEMBER 3, 2015 MEETING MINUTES

A. ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

B. COMMUNICATIONS

C. UNFINISHED BUSINESS

1. Report from investigative committee members (Permitted Interaction Group) to discuss and explore strategies on informing the public and land owners on the State and National Register of Historic Places Nomination Process and Incentives for placing historic structures on to the National or State Register of Historic Places.
2. Report from investigative committee (Permitted Interaction Group) to discuss and explore creating a Smart Phone Application to identify and highlight Historic properties on Kauai.
3. Report from investigative committee (Permitted Interaction Group) to discuss and explore draft update of the Kauai Historic Resource Inventory. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.
 - a. Presentation by the State Historic Preservation Division on the Fiscal Year 2012 Update of Kauai Historic Resource Listing - Reconnaissance Level Survey.
4. Discussion on the status of the Certified Local Government.

D. NEW BUSINESS (None)

E. COMMISSION EDUCATION

1. Review of Article 14 of Chapter 8 of the Kauai County Code 1987, as amended, (Comprehensive Zoning Ordinance) regarding the Kauai Historic Preservation Review Commission and its Interaction in the Historic Preservation Review Process Pursuant to Hawaii Revised Statutes Chapter 6E.
2. Discussion on Incentives for Historic Preservation.
3. Presentation from the State Historic Preservation Division, Historic & Cultural Branch, on the Kauai Niihau Island Burial Council composition and duties and relationship with the State Historic Preservation Review Process.
4. Presentation on the Kauai Nui Kuapapa Program by the County of Kauai, Office of Economic Development.

F. SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS (1/7/2016)

G. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

Note: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B

MINUTES

A regular meeting of the Kaua'i County Historic Preservation Commission (KHPRC) was held on November 5, 2015 in the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B.

The following Commissioners were present: Chairperson Pat Griffin, Anne Schneider, Stephen Long, Althea Arinaga, and Victoria Wichman.

The following Commissioners were absent: David Helder, Kuuleialoha Santos, Charlotte Hoomanawanui, and Larry Chaffin Jr.

The following staff members were present: Planning Department – Kaaina Hull, Shanlee Jimenez, Duke Nakamatsu; Deputy County Attorney Jodi Higuchi-Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro.

CALL TO ORDER

The meeting was called to order at 3:00 p.m.

ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

Ms. Griffin: The next agenda item is Announcements and General Business Matters. One (1) announcement is the very successful SHA Conference last month.

Victoria, do you want to say something about it?

Ms. Wichman: We had...let's see.

Ms. Griffin: Victoria and Mary Jane Naone were the Co-chairs of the Society of Hawaiian Archaeology Conference, and it was here.

Ms. Wichman: We had our annual conference held at Smith's Luau grounds. It was very successful, I believe. We had several papers from Kaua'i; on Sunday mostly. It was a small conference, but there were a lot of good papers from all over the Pacific. It was good that Pat showed up. It was good to have some community members there.

Ms. Griffin: And Stephen was there for the Mayor's keynote address.

Ms. Wichman: Right. On Friday night, we had our opening reception at the museum. Bernard, our Mayor, was the keynote speaker. We also gave a stewardship award to Hui Maka'ainana o Makana.

Ms. Griffin: It was great. I also attended the Hawai'i Congress of Planning Officials in Honolulu, which happens annually. There was a breakout session on assessing cultural properties. The last session of the last day, which was a little bit of an add-on, was actually the State Historic Preservation Division. Next year, the HCPO will be on Kaua'i, and I invited the Planning Department here, that will be planning the conference, to contact us in the KHPRC to work to add components on preservation, so just to let you know.

Any other announcements?

COMMUNICATIONS

Ms. Griffin: Communications. I received a call and follow-up email from our DOT Kaua'i Engineer, Donald Smith, that there will be a public meeting from 6:00 to 7:00 on the Ōma'o Stream Bridge on November 18th, Wednesday the 18th, at the DOT Offices in Puhi. I also received a communication from our attorney. There was a question about whether Commissioners could assist the State Historic Preservation Division in the inventory that should take place any moment now. Essentially, it's part of our ordinance as a duty to review and recommend historic resources. There are a few caveats, but any of you who haven't gotten this or seen the email and her recommendation and review on it, let me know. If you're interested in the possibility of participating in the inventory, Jodi or I will happily forward it to you.

Other communications? Hearing none.

UNFINISHED BUSINESS

Re: Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40 and Variance Permit V-2015-6 to allow installation and height variance for a 53 feet high stealth telecommunications structure and associated equipment on a parcel located in Līhu'e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006:073, Līhu'e, Kaua'i.

Ms. Griffin: C.1., Unfinished Business. The Class IV Zoning Permit, Use Permit, and Variance Permit to allow installation and height variance for the stealth communications structure at the Tip Top. We received the initial plans through email, and at your place, there are the printed copies.

If there's any...do you want to come up and...?

Kathy O'Connor-Phelps: Do you want me? I didn't know if Mr. Hull was supposed to speak first or... It doesn't matter to me.

Ms. Griffin: Well, it's always nice to have you with us, and certainly...Kaaina, do you have comments?

Mr. Hull: Well, the Commission is in receipt of the two (2) draft proposals that the Applicant has come up with after the recommendation from the Commission came out for the clock tower with certain amendments. The Department doesn't have, aesthetically, a preference on either or. Functionally, we will say that the proposal with the wider base, the Department would prefer just because it can better accommodate co-location, and the absence of co-location at this site would inevitably necessitate telecommunication towers somewhere else to be located in Līhu'e.

Ms. O'Connor-Phelps: Thanks for having me again. I appreciate it. So we gave Mr. Hull two (2) versions; one (1) is obviously with the wider base. We added a little bit of a more overhang on the rooftop; we can do more if you want more. And then we added the bands. At first, we had done just that, and I still did not like it. I thought it was still pretty, you know, out there, so we did take part of the element from the building, that darker part that you see on the building, and added that to the tower as well; so that's on both. Then, obviously, the second version is the thinner base. I don't know if you have any comments or questions. I think it came out great. I appreciate all of your comments. I think it made for a better project.

Ms. Griffin: Commissioners?

Ms. Schneider: I make a motion that we accept the first proposal; not the second one with the narrow...but the first one.

Ms. Griffin: Is there a second?

Ms. Wichman: I second.

Ms. Griffin: Alright. It's been moved and seconded. Discussion? Hearing none. All in favor? (4 ayes) Opposed? Nay. The motion carries 4:1.

Ms. O'Connor-Phelps: Thank you. (Laughter in background) That was one (1) of the best hearings I've ever been to. (Laughter in background) And quickest, so thank you again. I really do appreciate it. It made for a better project. I think it's going to be a great addition. The landlord is going to be thrilled.

Ms. Griffin: And thank you for your willingness to work with us.

Ms. O'Connor-Phelps: Thank you. Thanks.

**Re: Garden Island Service Station (Aloha Petroleum Ltd.)
TMK: 3-6-06:89, Līhu'e, Kaua'i
Zoning Permit Z-98-16 for the Proposed Demolition of the Existing Shell Service Station.**

Ms. Griffin: C.2., Garden Island Service Station, Zoning Permit for proposed demolition of the existing Shell Service Station. The Planning Department has received a letter from Larry Adams, the Director of Sales and Marketing of Aloha Petroleum, withdrawing that application.

Mr. Hull, comments?

Mr. Hull: The Department has no comments at this time. I think it's...yes, we have no comments. It's a wonderful thing that they are reconsidering, and we will be working with the landowner essentially to hopefully motivate further adaptive use of that particular building.

Ms. Schneider: Thank you for your help with this.

Ms. Griffin: Thank you. Any comments from our Commissioners?

Well, I'd just like to say that that's such an important iconic building in the history of the automobile era that anything we can do...I hope they will come to us as plans emerge.

Re: Compile list of neighborhoods on Kaua'i appropriate for surveys of historic residences.

Ms. Griffin: C.3. We are going to wait until the end.

NEW BUSINESS

Re: Pre-Consultation on a Permit Application for Small Environmental Education Tours at the Makauwahi Cave Reserve Area, TMK: 4-02-09-003:005 and 4-02-09-001:001, Mahaulepu, Kaua'i = *Aina Pacific Consulting, LLC*.

Ms. Griffin: So, moving on to D, New Business. Pre-consultation, D.1., on a permit application for small environmental education tours at Makauwahi Cave Reserve Area, and that's with Aina Pacific Consulting. Thank you. We lost our Planner, so we will wait for a minute for any comments from the Planning Department.

Please introduce yourself, and tell us about the project.

Christopher Landreau: Thank you very much. I do have a PowerPoint, but I don't know of any way to show it. (Laughter in background)

Ms. Griffin: Well, you provided us with quite a lot of information and imagery.

Mr. Landreau: Oh, thank you very much, yes. My name is Christopher Landreau. I have been working at and around the Makauwahi Cave Reserve with Lida and David Burney since the end of 2011 as a volunteer. Professionally, I'm an Archaeologist. I have a company, Aina Pacific, that works in Hawai'i. Every year at Makauwahi Cave Reserve, we probably take three- to four-hundred students from around the island; all education levels, basically from elementary to high school kids. We do a bit of science, we do a bit of land use history. We talk about the native plants, we talk about the greenhouses. I've been doing that, as well as...the Burney's are no longer on-island all the time, so as the person who worked with them, I've been doing a lot of the work

with the college groups that come from all over the Country, talking to them about all of the really interesting limestone formations, the fossil beds that exist there. We talk about the hydrogeology, the ecotones, and all that type of stuff. I guess over time what's happened is that a lot of folks have said hey, do you...are there any tours provided at Makauwahi Cave Reserve for just the general public or people who are interested in this information? In general, the answer is no. There is a person who will show you through the back of the cave, but there's no, sort of, environmental education tours provided. Last year, very early in the year, I went to Arryl Kaneshiro and Marissa Sandblom of Grove Farm. Spoke to them about an idea that I had to bring small tours into the Cave Reserve on a daily basis for environmental education. We talked about the logistics and how we would definitely want to keep it very small. We would want to provide special group tours for Kama'āina, and people who live on the island, and people who are interested; as well as, continuing the work we do with the scientific groups on a volunteer basis. Recently, the Cave Reserve lost a lot of its funding from OHA, and they have been looking for other avenues for funding. They don't have an easy way of doing that, but one (1) of the ways that we can help facilitate that by these tours is to have an add-on donation per person that would go to the Cave Reserve, so the concept is there. The idea that you have in your packet is that we would take folks, one (1) group a day of ten (10) people, whoever signs up for the tour, we would take them to the parking area at the Cave Reserve. We would take them up to the top to the limestone beds, show them that whole formation, and then work our way down, essentially, through the trails that exist there. All the way down to the bottom. We would come into the sinkhole itself. We would talk about, you know, all the ecology that's in there. Basically, some of the trees and some of the plants that are in there are extremely rare, found very few places, and have been resuscitated and revitalized at the Reserve. There's a pretty large group of people who have been working for ten (10) years now on reviving these. So, we would take them through the Reserve, we'd take them to our greenhouse, show them the native plants, and show them the canoe plants that we have. There is also a lo'i there that our Niihauan friends at the reserve have constructed. We can talk to them about Native Hawaiian practices on the estuary itself, prior to the sugar cane manufacture in there. So basically, essentially provide a pretty nice and informative environmental education tour of the property. Any questions for that part?

Ms. Griffin: Please continue.

Mr. Landreau: Okay. So, we took the idea to the Planning Department and they gave us some very specific set of instructions in order to go through this. We were to contact DLNR and the Office of Conservation and Coastal Lands; Samuel Lemmo is his name. He was extremely supportive and wrote a letter saying that we did not require...yes, you have the letter. Okay, so we did that. We have met with Ted Blake at the behest of Mary Jane Naone. Mary Jane thought that it would be appropriate for us to meet with him. We met with Malama Maha'ulepu, we met with Branch Harmony, quite a few people in and around the area who might have an interest in this specifically. I had a chance to speak at the SHA Conference with Victoria and Randy, and I appreciated that. We have a letter from Grove Farm that is also included there that expresses its willingness to allow us to try this. Now, all we need is...the Planning Department informed us that we would need three (3) permits; a Class IV Zoning Permit, a Use Permit, and a Special Permit to provide the County. Because there will be money transacted to pay for the tour, it's considered a commercial venture, so we have to do this. Mr. Cua, who has been very nice and supportive,

suggested that we meet with you first, prior to the Planning Commission meeting, so that's why I came here; I would have come anyway. It's not a specific cultural tour. There will be land use history involved in it; a discussion of it. Everyone we've talked to wants to make sure that we do mention and talk about the importance of the area to Native Hawaiians and to the history of the Kōloa area. It's an extremely important area as we all know, so we do plan to talk a little bit about that. The tour will not involve any discussion of any of the extremely sensitive material that is in the Makauwahi Cave, but we will give an overview, historically, and of the importance of the reserve itself, and of Maha'ulepu itself as well. So, that's our idea, and we'd thought we'd do it, so we thought we'd bring it to everybody. I'm not certain what the Planning Department would like from you guys, but maybe just for me to present it. I'm not sure.

Ms. Griffin: Yes. That's wonderful. I'll open it to our Commissioners for questions that they may have, and then to anybody in the public who wants to make comments. There's nothing we really need to vote on, so we can just accept it as presented and receive it; unless there are specific comments when we might make a motion to get sent to you. Having said that, Commissioners, are there questions of Mr. Landreau?

Ms. Arinaga: No questions, but comments.

Mr. Landreau: Yes, thank you.

Ms. Arinaga: Thank you. I'm one (1) of the schools that bring our students out every year, so if this is to help it, which I think it's great, I hope you continue to allow schools to go in at no cost.

Mr. Landreau: Oh yes, absolutely.

Ms. Arinaga: Okay. (Laughter in background)

Mr. Landreau: And Grove Farm plans to continue to pay for the buses, and we have plans to do that every year.

Ms. Arinaga: Great. Thank you so much.

Mr. Landreau: Sure.

Ms. Griffin: Anyone else?

Ms. Wichman: I have a comment. I think this is a great project. There is no impact to anything. So you said there is a maximum of ten (10) people a day, and you have a little van, right?

Mr. Landreau: We have a little van. We plan to do a potty stop, before and after. We will have water with us. We are fully insured, as well as the Burney's have insurance for people going into the cave.

Ms. Wichman: Right, right.

Mr. Landreau: So, there's no impact.

Ms. Wichman: Right, absolutely. I think it's a great project.

Mr. Landreau: Thank you very much.

Ms. Griffin: Thank you. Is there anyone in the public who would like to speak? Hearing none. If there is no formal comment to transmit back, then we can simply receive the document with thanks.

Mr. Landreau: Thank you very much. Appreciate it.

Ms. Griffin: Don't hesitate to come back. (Laughter in background)

**Re: Kaua'i Museum
TMK: 3-6-05:5
Līhu'e, Kaua'i, Hawai'i
Proposed Addition of a Second Story Office Space and Elevator Adjacent to the Rice Building.**

Ms. Griffin: Item D.2., Kaua'i Museum. A proposed addition of a second story office space and elevator adjacent to the Rice Building.

Mr. Hull, do you have comments or assistance on what we received?

Mr. Hull: At this time, this is much like the previous application you folks were reviewing in that it is a preliminary reference. For some of the Commissioners that are not familiar with the process, generally we would intake an application, and after intake and assigning that permit number, we would refer it back to this Commission. However, given sometimes issues with quorum and the timing constraints that are placed on the Planning Commission to take action on these applications, as somewhat a manner of practice, we've begun submitting these applications to you prior to acceptance. If you folks have any comments, it will be folded into the record during Planning Commission review. So essentially, that's what they are here for. The Department, at this time, is not in receipt of an actual application, so the Department doesn't have any position on the proposal at this time.

Ms. Griffin: Great. Are there any questions for Kaaina?

Okay. Let's see. Yes, Mr. Agor. Please introduce yourselves.

Ron Agor: Good Afternoon, Chairperson and Committee members. I'm Ron Agor, and I have with me Maryanne Kusaka, the Chair of the Board of Trustees for the museum. The request we have today is the first step in really trying to bring this project to fruition. What we need to do is we would like to have comment or even approval by this Committee, and then we are going to move on to SHPD, Historic Division. If everything is good there, then we are going to file an EA

with an archaeological report and all of that. Once that's done, we will apply for an application for a Use Permit with the County Planning Department. But, you know, there are many steps that we have to go through, and this is the first. Basically, the Board of Trustees would like to present the project in two (2) different stages so to speak. One (1) is the construction of an elevated office with an elevator. The museum needs much space, and having a separate office would free up some of the rooms in the museum for other display areas. The second request is relating to tying both structures, and having access to the second floor of both structures. What we are proposing is an elevated walkway going from the Rice Building to the Wilcox Building. Now, right now we have a roof connecting both structures. We literally have a roof attached to the Wilcox Building, and attached to the Rice Building. Our proposal is to replace that roof with a second floor corridor, or second floor walkway. We intend to have railings on both sides, obviously, but we are going to run the railings and stop short of connecting the railings to the building. We would also like to put a roof cover over it. We intend to run the roof cover maybe a foot short of the building, so we won't be connecting to the buildings. So basically, that's the concept.

Ms. Schneider: And this is to have a clear delineation between what's old and what's new?

Mr. Agor: You know, what we have is a more contemporary roof connecting both. Sometimes the best way to handle buildings of different eras is to do a contemporary, you know. We are going to be having an oval glass cover prior to submittal.

Ms. Griffin: And then the other building that they're building that you're discussing?

Mr. Agor: Yes. The building will be just a simple rectangular structure.

Ms. Schneider: Ron, will you be building a model of this so it's more visible to...?

Mr. Agor: Yes. I would like to tact this up on the board.

Ms. Schneider: Sure.

Maryanne Kusaka: While he's doing that, may I introduce myself and say a few words about the project so we won't waste anymore of your time? First of all, congratulations to all of you for serving on this Committee. I know it takes personal time, and I congratulate you for your contribution to our County. My name is Maryanne Kusaka and I'm the President of the Board of Trustees at the Kaua'i Museum. I am very honored to be there to...we have been working very hard over the last three (3) years to update our exhibits, and also to provide access; particularly to fulfill the request from the Federal Government to provide ADA access to the second floor. With any older building, this is really a challenge. Fortunately in the process of my term there, we were able to hire a grant writer. The State allowed us, or gifted us, or granted us \$775,000 to do this project. It is not common, so I feel very fulfilled that they gave us exactly what we asked for, and that they support our addition to the museum. As you know, the museum is very limited in space. We don't even have parking. In fact, this afternoon, Jane, our Executive Director, is meeting with the Mayor, but I said no, I have to come here and see you. Anyway, my preference would be to have the walkway just inches from the original building, the historic building, if that's possible.

My concern is...and I know he's trying to be so correct and be very conscious of the old building, which we all are, but my concern is rain and a wet ground area below whatever distance we are going to be away from the building because I don't want anybody to slip and get hurt; particularly someone who has ADA needs. Incidentally, they have been after us for quite a while to complete the second floor. So, I'll let him continue to do the description of the building, but I would like to thank you and also alert you that we do realize how fortunate we are to have that historic building. And we do feel it is the piko of Kaua'i right now, of Līhu'e, because it's the center of our complex; all of Līhu'e. As you know, your Chair has been very, very involved in creating the core of the town, and we feel we are part of that core right there, so we are trying to make it as accessible, and as functional, and as productive as we can at this time. Thank you for your attention.

Mr. Agor: I don't know if you can see it from here, but...should I walk around with it in front of you guys?

Ms. Griffin: Whatever you are most comfortable with.

Mary Jane, would you like to come up and sit with us, so you can see it, too. This is Mary Jane Naone, the State Historic Preservation Division Archaeologist for Kaua'i. Our Archaeologist used to sit up here with us, but I guess we got a little more formal.

Mr. Agor: The corridor will be connected. We're replacing the roof that's already connected there with the corridor floor. The roof and the railings will not be attached to the buildings.

Ms. Schneider: Oh, and you are going to go in the Palladian window there.

Mr. Agor: Yes. What we are going to do is we are going to replicate that window and turn it into a door. It's a lot of work to do that, but we need to do that.

Ms. Schneider: And this is the new structure?

Mr. Agor: Yes. We are trying to keep it as simple as possible.

Ms. Schneider: Having shown in the upstairs of the old building, it would be wonderful to have new space. (Laughter in background)

Mr. Agor: Okay, so that's basically what we are going to be doing, okay?

Ms. Griffin: Okay. You can move it around and show our...

Mr. Agor: This is the Wilcox Building, and the cover will be made out of clear plastic glass, and it will stop short of the building.

Ms. Griffin: Great.

Mr. Agor: And the new building is (inaudible).

Ms. Griffin: And then if you can show our...the head of Boards and Commissions and our Archaeologist, that would be great.

Mr. Agor: Yes. This is the Wilcox Building, and the roof is going to be stopping short of the building. This is the office building.

Mary Jane Naone: This is looking at it from the back side?

Mr. Agor: From the back side.

Ms. Naone: Oh I see.

Mr. Agor: Yes, you won't see this from the front. Okay, alright. Thank you.

Ms. Griffin: Thank you. Are there questions that you have, Commissioners, of our presenters?

Ms. Schneider: I just think it's great that you are going to make it ADA accessible because I know I have shown there, and the stair lift thing is inadequate for anybody.

Mr. Agor: Yes. The Wilcox Building, you go up on the second floor, it's so majestic there, and then that's it. You know, you want to get in the corridor and go to the second floor on the Rice Building and continue the journey. This would allow that.

Ms. Griffin: Stephen?

Mr. Long: Thank you for coming before us for this preliminary presentation. I don't really feel that there's much to discuss about the design or the building or your plans because the drawings are very incomplete. I understand there's schematic basis, but typically when we review a project, we'd like to see the before and after site plan, floor plans, and exterior elevation showing all views. So, in the future when you come before us with those drawings, there are a number of considerations that I'd like you to keep in mind when you do that. I'm just going to read through a couple of items from the Secretary of the Interior's Standards for Rehabilitation, and then I'd like to identify some of the elements in the museum that might be considered with these points. No. 2, the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. In the National Register Application, I'll read here that one (1) of the critical design features of the building is...in the center of each gabled end wall of a building is a Palladian window with a concrete wassar corresponding to the three (3) arches of the entry lanai, so that would be an important item to consider. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved; such as the lava rock wall, scoured concrete, and the blue tiled roof. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. In general, those would be the three (3) issues that we'll be taking a look at when you come before us with a permit application.

I just have one (1) comment, and it's a little bit confusing for me. In your letter, you say that the purpose of the submitted design proposal is to provide staff office space so that existing office spaces can be used for much needed storage.

Ms. Kusaka: I'll answer that. At one time, they were going to use the back office for storage. We've already moved one (1) office upstairs, and that office has become our video room. Video is very important to our visitors because they like to see. We have several beautiful historical videos, so now we have a larger video space and an enclosed space that's air conditioned. It doesn't have to interfere with what goes on in the building across the way. The second office will be for archive research. We have beautiful records downstairs; archival records and photographs that we intend to put online for sale, copies for sale. This room will be used...our present Director's office now will be used for archival research and other matters; either by our school children or by other archaeologists, or other historians who visit our museum. So I think since we met with Ron, which was quite a while ago, we have changed those plans. We don't need storage, but what we've done is pulled out a lot of our items and put them on the floor. They were hidden before or not used. I'm a real advocate for sharing all of our Hawaiian artifacts, and that's what we've done. We have a wonderful Hawaiian...he's not a certified curator, but he's done a marvelous job researching at the Bishop Museum and also at museums in Los Angeles. He has done wonders with our exhibits and the exhibit space. We were also fortunate to have a wonderful bequeathment from a local resident who passed away and left us in her will, so this is what we are using. We've put koa floors in, and we put glass doors in, and isolated the Ni'ihau and the Kaua'i collections to air condition to preserve them. We are very conscious of preservation of our artifacts, and also sharing it. We want more of our children to come to the museum. I'm sorry to correct you here, Ron, but I don't want him to have the wrong impression that we have so much room that we are just going to use it for storage.

Mr. Long: Yes, I understand.

Ms. Kusaka: Thank you.

Mr. Long: And in your presentation, you did say "other display areas". So that's where I was a bit confused.

In closing, I understand the situation or the need/desire to provide ADA access. Existing floor plans and proposed floor plans will allow everyone to evaluate whether there are other spacial options within the property that could be utilized for your vertical circulation.

Ms. Griffin: Any other comments from you all?

I have comments. I want to start by congratulating you all. The wonderful legislative funds that you received have enabled the museum to really bring new interpretations out, a slightly different emphasis on what part of Hawai'i's rich culture should be prominent. You are doing a great job. It's always a pleasure to walk in. I do have real concerns about this project. From the research I did on this building, the two (2) buildings, the Wilcox Building, which is the original library museum, and then the addition, which was the original museum and still is. I think there is an

elevator shaft that has never been used in the Rice Building that may be a little small for current standards, but I know for a fact that in historic buildings, and National Parks, and State Parks that accommodations are given for less than current standards, and being able to keep that rather than sticking something out. Because when we look at a historic property, and this is not any historic property. This is the building that is defined by many as the most beautiful historic building, and perhaps the most beautiful building on the island, so it deserves great care and celebration. I have a letter from Hartwood Jr. from 1976 to Bob Garren, who was the Director of the Kaua'i Museum at the time. He talks about...he says, I've forgotten what a good looking building that is, as he hadn't seen it for some years. He says incidentally it has always seemed to me that the Kaua'i Museum Building was particularly a fine example of what I like to think is a truly indigenous style of architecture completely original to Hawai'i with no counterpart anywhere else. I believe the first example of this style was the Christian Science Church on Punahou Street in Honolulu, and you can see the similarity in design and style between that and the museum. As such, it should have a prominent place in any exhibit of this worth. Bob Fox, Robert Fox, the Architect, also spoke about this building, and ended by saying in his report of historic buildings on (inaudible), the Albert Spencer Wilcox Building is a particularly fine example of a truly indigenous style and it is the finest example of architecture in the Downtown Līhu'e area, and one (1) of the few surviving Hartwood designed buildings in the State of Hawai'i. I would say there are several, but he wasn't totally prolific at this stage, and things have come down. (Laughter in background) In this day and age, and Stephen anticipated me because in our training for this Commission, one (1) of the things we are taught is to look at the Secretary of Interior's Standards of Rehabilitation and be able to talk about judging the whole. One (1) of the first things one does is identify the character defining features of the building. One (1) of those character defining features is those Palladian windows. And those windows, when Hartwood did it, it was a way of saying that the building itself, that library and learning because it started as a library, was really an important place and uplifting. This came before us, breaking through that window, came before us a few years ago and we rejected it at the time. (Laughter in background) I don't think that the concepts of preservation have changed to change that sense, so this is not the group to talk about ADA. We are sympathetic and feel like one does what one needs to, but in looking at the history in preservation, we also look at the whole campus and how new structures...and the very first one, I don't think Stephen talked about this, a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. You know, that second building, while it gave that contemporary, statehood, mid-century modern look, it still reflected the materials and the styles of the original building. From what you've shown us, that's just...I know that we can't tell, but I don't have any sense of the real massing, I know it's 1000 square feet, or the materials in all used. But there needs to be great care with this campus. I received three (3) calls over the weekend; what are they doing on the front yard of the museum? Is that related in any way?

Ms. Kusaka: Our former Chair, Hobey Goodale, who was the son of one (1) of the founders of the museum, wanted us to do Hawaiian plantings out front. So we have partnered...and you know, all of this takes money, so it has taken us a while to raise money to do this, and we have partnered with National Tropical Botanical Garden. The plan, I can't envision it myself, but people who are more proficient at landscaping than I feel that it's going to be a wonderful Hawaiian garden, and they are going to put in ground cover, Hawaiian ground cover, and have a facsimile of a path and

have other Native Hawaiian plants that will be identified. We are going to put in an irrigation system. Right now, what they are doing is on a voluntary basis. All the plants will be gifted to the museum because Chipper is the grandson of the founder, so it's nice to have family members. Anyway, I can't tell you exactly what plants are there. We did have a landscape plan that we have shared with several Rotary Clubs looking for sponsors, but I'm sure Jane has the plan at the museum that you are always free to come and look, and talk to her about it. She really knows more about it than I do.

Ms. Schneider: Can I make a suggestion?

Ms. Griffin: That would be great. I have to say that front lawn is also part of the historic campus. From the beginning, I have a picture in the Līhu'e book that I don't think anybody had seen for fifty (50) years, but...that shows early days, and there's actually quite a lot of planting. You couldn't see the beauty of the building with the school group going in, but that front lawn is part of the breath of the welcome and the importance of that place. So it sounds like a done deal, but it...again, it's not just the building. When you are looking at putting a bunch of things and connecting second floor walkways that came to us before, it doesn't speak to the history of the building. Instead of putting something new, it seems like investigating just how well that existing interior shaft could work, in terms of new laws and standards, and really make sure that it's not acceptable, and then come back to us.

Anne?

Ms. Schneider: Ron, would you object to making a model of the new building and the old building, and the connection? You know, so the people could actually see it in mass; rather than a drawing which doesn't really do it justice, unfortunately.

Ms. Kusaka: We have looked at the shafts. It was a book shaft. You have to be able to turn around, and a wheelchair couldn't do that. Both buildings, I think, have shafts, but they are very narrow. The other point that we have to be cognizant of is it was not funded that way, so it would cost a lot more money. The one in the historic building would take a lot to restructure that.

Ms. Griffin: I think the one in the old building was a traditional dumbwaiter kind of thing for the books going up and down, but not in the Rice Building, I think.

Ms. Kusaka: Well something else may have happened to it, you know, there. We put in a bathroom out there, and I think that was part of the space because we needed...we had only one (1) bathroom, and we needed a bathroom outside for our outside activities. But I can assure you, I know, Chairwoman that you are a historian, and I know you are very heartfelt about all of these things. I can assure you that we would not be able to...we need to be functional as much as we need to be cognizant of sharing this information with our community. I really will look at it again, but unless someone can come up with more money, or another way that we can make this possible, you know, we are open to your suggestions. But that would mean having to have two (2) elevators.

Ms. Griffin: Right. Or some more efficient way to get up the stairs than the little mobile chair now. The problem with the convenience...in 1930, the plan was in front of the Historic County Building to place the Post Office on one (1) side of the lawn and the Court on the other side of the lawn because they didn't have any place else. Fortunately, the Kaua'i Chamber of Commerce howled at that suggestion, and was able to have Līhu'e Plantation sell land, quite reasonably, to the Feds for the Post Office. Funds were made available by the Territory for the Courthouse. But you can imagine what it would have been like, Mayor Kusaka, if you had been in the office in that Historic County Building with two (2) buildings in front of you, and what it would have meant to the integrity of the County Building to have those dumped right there because that was their only solution at the time. So, I am very sympathetic. I've done a reasonable amount of research in your wonderful archives and photo collection, but we are here to look at the preservation aspects of it.

Is there someone from the public or other people who would like to comment on this?

Ms. Naone: I could take a stab.

Ms. Griffin: Thank you.

Ms. Naone: I'm Mary Jane Naone from SHPD, and I'm an Archaeologist, so I'm not the best disposed to speak to the architecture. I know that we do want to see the plans going forward. We did ask for more information. I was also disturbed to drive by and see so much ground disturbance happening at the museum this weekend. We would typically ask for archaeological monitoring for that amount of ground disturbance in the Downtown Historic District. We have asked for monitoring at the Courthouse, which was also being renovated, and there was a little bit of kicking and screaming about not needing it because it had been disturbed before and the Archaeologist found a subsurface utility trench that was made out of rock and various artifact assemblage, so I feel validated in asking for monitoring for ground disturbance Downtown. It did look like it wasn't just isolated plantings, but kind of a big machine working. And I took some photos, so I'm glad that we got an answer to that. As far as the renovations, we would like to stay apprised of what your plans are moving forward, and we will have more comments.

Mr. Agor: Like I said, this is the first step and we are looking for comments. Commissioner Long and Chairperson Griffin, you've been very valuable in giving us your input. We'll take that information and start reevaluating.

Mr. Hull: If I could just clarify the process, what's before you folks right now, because I think there's...there's a two-part process. Often applicants will come before this body prior to getting their permits. What Ron alluded to is the fact that they have to do an EA, which under Hawai'i's Environmental Review Law under Hawai'i Revised Statutes Section 343, the use or alteration of a site that's designated on the State Historical Register requires environmental review. So the first part of the process is actually the 343 Process. After that is complete, then they go into the permitting stages. More than likely, under some Supreme Court rulings, the Planning Department would be the lead agency on the environmental review process. Being that the Planning Department doesn't have an in-house Historic Planner or Historian, we would be looking specifically at this body, as well as SHPD in guidance for that review process. Under that

particular State Law, if there is a findings of significant impact, then the Environmental Assessment is inadequate to meet the 343 Review Process, and then it gets bumped up to an Environmental Impact Statement, which is a much more substantial process and document than the EA. That would be the first step that we would be looking at for comments from you folks, as well as from SHPD in our acceptance of either an EA from the Applicant, or requiring the immediate process for the Environmental Impact Statement. After one (1) of those is completed, then we would go into the permitting stages. So right now, it's good that the review is going on, but just understand that the comments that would be generated from this body, whether or not they are generated today or at a subsequent meeting, would be addressing, primarily, the 343 Process.

Ms. Naone: Thank you.

Mr. Hull: If you have any questions...I'm getting called to testify at the Liquor Commission, so if you have any questions, I have to leave in about two (2) minutes.

Ms. Griffin: Explain, for the body, the parameters of duty and 343.

Mr. Hull: Well, under the EA, you just have to demonstrate that whatever proposal, in this case it would be the walkway, is not going to have a significant impact on the historical structure. In the actual registry document, it references specifically the Palladian glass window. Once it gets bumped up to the Environmental Impact Statement, this does not stop a project. Often I think with things in the news like the Superferry and what not, (inaudible) understanding oh, EIS stops projects; not at all. It just is a statement or a document that fully covers the impacts as significant as they are, and what they will be upon the surrounding area. In this situation, it would be the historic structure itself.

Ms. Griffin: Two (2) historic structures.

Mr. Hull: Two (2) historic structures, excuse me, two (2) historic structures. At the end of the day, it's just a disclosure document. It states it will have a significant impact and it discloses the various arrays in which it will. Once that disclosure document is finalized, then it is used by both the Planning Department...and the application of this type because it's located within what is the County's Special Treatment Zoning District...it's only a walkway, but in the Special Treatment Public Zoning District, any three-dimensional alteration of a structure requires Planning Commission review, so the Planning Commission will ultimately be using that 343 Document in their review and assessment of whether or not the proposal can be permitted.

Ms. Griffin: Alright. Only one (1) of the two (2) buildings is on the State and National Historic Registers, but both are historic. In this Commission, we consider National Registered Buildings or Register-Eligible Buildings. The Rice Building was completed in 1960. This isn't England, fifty (50) years is all it takes to become historic so that's why I said two (2) historic buildings.

Ms. Naone: Can I ask a question from, I guess, the public? So are you at the stage now where you are deciding whether it's...you are assessing at whether it's an EA or an EIS? And you are

asking for feedback from this body about whether we believe that it would have significant impacts to warrant an EIS?

Mr. Hull: Well, as the employee of SHPD, the Department of Planning would love to point to SHPD and say you are the lead agency. (Laughter in background) But more than likely, we are going to be...the call hasn't been officially established whether or not we are the lead agency, but under recent Supreme Court ruling, the first permitting agency is the lead agency for the 343 Process, so more than likely we will have to accept that duty.

Ms. Naone: Okay.

Mr. Hull: Once we officially do, then we will work with the Applicant, as far as the document that they are looking at generating. But ultimately, it's this very discussion and the outcome of this discussion, as well as comments from SHPD that would guide the Department on the document that will be required. Because at the end of the day for the EA, which is much more of the truncated and quite frankly, less costly process, the Department has to sign a letter of findings of no significant impact. In order for us to sign that letter, we are going to have to assess that there is no actual significant impacts, and we will be looking at you folks and SHPD for guidance on that.

Ms. Schneider: Well, I think that if you're taking out that fenestration of the Palladian windows, you are definitely having an impact on the building. That's one (1) of the significant features of that building.

Mr. Agor: Just note that our intent before even jumping into the EA is to have concurrence with this Committee.

Ms. Griffin: And we really appreciate that, the ability. It's so much easier in the long run to talk early and often, and avoid a lot of (inaudible) stuff when everybody gets invested in plans.

Mr. Agor: That's why we are here early.

Ms. Griffin: So where do you want us to go? Make formal comments? Or ask them to come back at the next stage? What do you want, Kaaina?

Mr. Hull: It's really the prerogative of this body if it was ready. It doesn't seem like you folks are ready to make official comments at this point. I would also recommend, given the implications it could have on the timeliness of the application, that we actually also wait, possibly, for SHPD's review to be done to have some guidance for this body from SHPD as well. So that would be our recommendation at this time.

Ms. Naone: I think we had made a request for more information, so...

Mr. Agor: Yes. Receiving your comments today make us better prepared to approach SHPD.

Ms. Schneider: So you will come back to us?

Mr. Agor: Yes.

Ms. Arinaga: I believe a request was made for a model to get a better visual on how it will look like.

Ms. Schneider: It would be much easier for people to assess what the new building or the new structures would look like.

Mr. Agor: Okay.

Ms. Schneider: All white, or whatever. It doesn't have to be detailed, but you know, just to show the massing.

Ms. Naone: Is it possible for you to take the comments that have been made today and maybe alter your design to be...?

Mr. Agor: Well, my intent is to take the comments and reevaluate our plan, and see what we can do. We'd like to come back and do another presentation.

Ms. Schneider: That would be great.

Ms. Griffin: Jay Furfaro, would it be possible when today's meeting is transcribed to get a copy of this portion to the Applicant?

Administrator Furfaro: Certainly.

I would strongly recommend, though, today you decide on an incidental motion just to receive general information because you have quite a bit in the documents now from procedurally, what's the next step, and so forth. There was a lot of information here today. I would refer to the Attorney, but...

Deputy County Attorney Higuchi-Sayegusa: As Kaaina mentioned, at this point it's still preliminary. The Applicant is going to go through the EA process and potentially an EIS process, and also receive comments from SHPD, so I think at this point, you know, it could be to receive the communication and just await word when you folks are ready to come back before this Commission.

Ms. Griffin: If it sounds acceptable, perhaps what we can do is agree that our general comments should be transmitted through the medium of the transcript. If that's possible and sounds viable, then perhaps one (1) of you can make a motion to that effect.

Ms. Schneider: I make a motion that we transcribe what the Commission has said at this point, and give it to the Applicant, so he can make adjustments and come back to us with further plans.

Ms. Griffin: Is there a second?

Ms. Arinaga: I second.

Ms. Griffin: Thank you. It's been moved by Anne Schneider and seconded by Kalei Arinaga that we transmit to the Applicant the transcription of today's Commission comments as our comments, and that they come back to us when they are ready with the next stage. That was a loose translation of your motion.

Is there discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) The motion carries 5:0. Thank you all.

Re: Appointment of investigative committee members (Permitted Interaction Group) to discuss and explore draft update of the Kaua'i Historic Resource Inventory. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.

Ms. Griffin: So, D.3. is the appointment of an investigative committee members PIG (Permitted Interaction Group) to discuss and explore a draft update of the Resource Inventory that was done a few years ago for the South Shore and Līhu'e Districts. Once formed and the task is completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making. What that is...and I think Kaaina will speak a little more...we were going to discuss it under the CLG in C.6., but as you all are very aware, in 2012 an inventory was done for these two (2) districts that was going to be completed by September of 2013. It has had some real issues. I believe what we'd like, and as a 9-person Commission, I think there can be four (4) of us in the PIG?

Ms. Higuchi-Sayegusa: We have nine (9)? I'm sorry.

Ms. Griffin: Yes.

Ms. Higuchi-Sayegusa: Yes, up to four (4), yes.

Ms. Griffin: Okay. So what the task would be is to go through the draft inventory and frankly, I have seen it and it needs to be winnowed down. A lot of things that aren't near historic are in there; condominiums. Every single ownership is listed, so it makes it a very cumbersome document. I believe...and Ms. Naone, maybe you can tell me if it's possible for the State Historic Preservation Division to set a criteria for us to winnow it down, but this thing has to be completed. I don't have to tell anybody here that our inventory is woefully dated, and the rest of the island needs to be done. So that is what D.3. is about. It's setting up the PIG for up to four (4) of us to get together once we've gotten our marching orders from SHPD on how to do this, and actually transform that document into something that the Planning Department, the Planning Commission, and we can use going forward for our inventory of historic places. Comments?

Mr. Long: I have two (2) questions. One (1) would be, can we apply for new CLG funds in order to finance our efforts or efforts to carry out the recommendations of that PIG? Which were to

approach...one (1) of them was to approach owners, and to have a number of buildings placed on the historic register.

Ms. Griffin: This PIG would be specifically to take the document that was done inventorying the two (2) districts, and winnow it down to a workable document. So, I'd like to keep the PIG to that discreet task, and then talk about the other. That's a worthy discussion under C.6. on the CLG, if you don't mind holding that.

Ms. Naone: And yes. Yes, I think SHPD can provide guidance on that. I apologize. Kaiwi Yoon, who's the Architecture Branch Chief, was supposed to be here, but I think something must have come up, so he wasn't able to make it. But when you do get ready to meet, I'm going to make the recommendation that he flies over and we can meet with you. As far as the application for CLG funds, I'll have to ask about that. I think Anna Broverman kind of runs that segment of the program, but I don't see why not. That's it, right?

Ms. Griffin: Yes.

Ms. Naone: Okay.

Ms. Griffin: Are there other questions? Yes.

Mr. Long: What's the status of the SHPD Historic Neighborhood Review?

Ms. Griffin: Hold it. (Laughter in background) We are specifically on creating a PIG to... (Laughter in background)

Mr. Long: I'm sorry. Thank you.

Ms. Griffin: Therefore, we have several absent Commissioners, but he who comes to the meeting gets to chew the worm, or something. So are any of you...who would be interested in reviewing this document?

Victoria...Stephen...Anne...and I certainly would as well, which creates the PIG.

Ms. Schneider: I just have a question because I think my term is up next month.

Ms. Griffin: Oh. Well, if we start before then, that's fine. Typically, you will be a holdover through March unless we have a new replacement, but we can always replace you in that case. And then you can be a member...oh no, we don't need public access on this. So Victoria, Stephen, Anne, and Pat.

Alright, so the nominees/volunteers are Victoria Wichman, Stephen Long, Anne Schneider, and Pat Griffin. All in favor? (Unanimous voice vote) Opposed say nay? Hearing none. You're it. Motion carries 5:0.

UNFINISHED BUSINESS (Continued)

Re: Compile list of neighborhoods on Kaua'i appropriate for surveys of historic residences.

Ms. Griffin: Now, let's go back to C.3., which is the compiling of a list of neighborhoods on Kaua'i appropriate for surveys of historic residences.

Stephen, I think that's what you were talking about. And Mary Jane, absent Kaiwi, can you speak to that?

Ms. Naone: I can't right now. Yeah, I don't know where they are in that process. I know that they'd come over and tour the island, and had some ideas that they were going to present to you. Did that...?

Mr. Long: I asked specifically that we be informed when they were coming over, who was going to come over, what they were going to do, and here they come and go with no notice.

Ms. Naone: No, this was about...this was...

Ms. Schneider: They came before.

Ms. Naone: Yes. This was before your request, and I completely empathize with you that yeah. Actually, they have not been over in the last couple of months, I don't believe. Was Anna here at the last meeting? I missed the last meeting.

Ms. Griffin: Anna was here last meeting.

Ms. Naone: Yeah. I can assure you that nothing is happening or moving forward without consultation with this Commission.

Mr. Long: Oh, well that's good because I was also told that it would begin on October 1st.

Ms. Naone: Okay. Let me consult with them.

Ms. Arinaga: So could we put that request in again?

Ms. Naone: Absolutely.

Ms. Arinaga: That we are notified.

Ms. Naone: Yes, definitely.

Ms. Griffin: And also, if our Attorney can advise us about the possibility of getting...between meetings...getting any kind of update or something on when they are coming or you know, so we don't have to...because meeting only once a month, a year goes by very easily.

Ms. Higuchi-Sayegusa: As long as at some point you folks are discussing and updating an agenda'd meeting. I mean, this is something that you have typically agenda'd and you know...go ahead.

Ms. Naone: I was just going to say that my only knowledge of them coming over to...was actually...took place at one (1) of these meetings were they said they'd flown in that morning and gone to Hanapēpē and gone up north.

Ms. Griffin: Last month.

Ms. Naone: Yes, so I wasn't aware of it in order to inform anyone. However, I do try to contact Pat or someone from the County when I know they are coming over because we want to maximize the time that they are on-island for sure. So, I will make sure...

Ms. Higuchi-Sayegusa: And I guess the designated Planner can help to facilitate any information in between meetings.

Ms. Griffin: Great.

Ms. Arinaga: May I say something? Another comment would be, if they've come over, can we be updated on what they are doing?

Ms. Naone: Absolutely. I'd like to be updated as well. (Laughter in background)

Ms. Arinaga: Yeah, awesome. Thanks.

Ms. Griffin: SHPD has a whole new attitude from a few years ago where we have had a lot more communication and interaction and presence and interest than a few years ago. I am really, personally, grateful for that because we aren't independent preservationists.

I did want to bring up, at our last meeting, there was some question about what places had gone to SHPD as recommendations for us. I went back to the minutes from the August meeting, and the motion was to give four (4) priorities in order, which were Pākalā/Kaumakani as one (1), and then Kapa'a Fuji/Baby Beach, Hanalei, makai of the highway, and Līhu'e Town Track, the Akahi/Elua, but the motion very clearly stated that all...the first four (4) were in order...and all the rest that were part of the discussion would be sent as well, so that SHPD would get a much broader sense because we talked about the Waimea Plantation Camp, the Hanapēpē, Kīlauea, and other places. So according to this motion, which carried, all of those places should have gone to SHPD for our recommendation and review. Just to let you know.

Anything else on this neighborhood? Yes.

Mr. Long: Oh, I have a question on another topic.

Ms. Griffin: We'll check to see if it fits in any of our agenda items; probably CLG, No. 6.

Re: Report from investigative committee members (Permitted Interaction Group) to discuss and explore strategies on informing the public and land owners on the State and National Register of Historic Places Nomination Process and Incentives for placing historic structures on to the National or State Register of Historic Places.

Ms. Griffin: No. 4, however, was part of our PIG to discuss and explore strategies on informing the public and land owners on National and State Register incentives and so forth. We asked that this agenda item be kept on the agenda, but our intent...we came up with five (5) things, which are five (5) different ways that we saw that would be good promotional possibilities, including National Register nominations, and displays in the library, and so forth. I believe that our intent was to see if that could be translated into an application for CLG funds to help to administer these promotional activities. There aren't any plans for this PIG to reconvene unless there is a specific reason to do so, but we don't want to lose it because we think that it's a valuable possibility for CLG funding.

Ms. Naone: Okay. Let me consult with Anna about that and get back to you.

Ms. Griffin: Okay.

Ms. Schneider: I think it was great that she got the article on the Līhu'e Service Station in the paper. (Laughter in background)

Ms. Griffin: Yes.

Ms. Naone: Is there an appropriate way for me to communicate with the Commission between meetings? This has always been a question.

Ms. Higuchi-Sayegusa: I would say to...

Ms. Naone: To email Shanlee?

Ms. Higuchi-Sayegusa: Her and/or Kaaina, perhaps.

Ms. Naone: Oh okay.

Ms. Higuchi-Sayegusa: As the Planner to help field information (inaudible).

Ms. Griffin: You can always copy the Chair; whoever the Chair is at that time. In this case, because it's a PIG, it seems to me that she would have a little more leeway. Is that correct?

Ms. Higuchi-Sayegusa: Right, right. To deal with the PIG, and as long as it's within the scope of what the purpose of the PIG is.

Ms. Naone: Okay.

Ms. Griffin: Okay, so C.5. is another PIG. Yes, sir? Oh I'm sorry. Please, come.

Nancy McMahon: I'm Nancy McMahon, and I'm just representing (inaudible) right now, so I had a question about your, sort of, committee. Are you still out there to solicit things to come to try to be placed on the State Register?

Ms. Griffin: That was one (1) of our suggestions for promoting preservation.

Ms. McMahon: I have a Plantation Manager's home. It's in Kōloa. It's from the Pineapple Plantation Manager; the woman lives in Hilo. Her name is Jane Stevenson (inaudible) Wailoa Road. She has approached me about trying to put it on the Register, so I'm going...I guess they went to Spencer Mason because her homes in Hilo, too, they put on the Register. They are going to be moving to Honolulu to be closer to their grandkids, so they are going to be selling all of these homes, but I told her we should put it on the Register before she sells it because that might be...a Realtor might not want to put that as an issue, so she's coming on November 15th. I did talk back to Don to write up the narrative and the photos. We have some photos already and the floor plans, and then he will help with the context. He is fairly successful at getting things on the Register.

Ms. Griffin: Is that Don Hibbard?

Ms. McMahon: Yes. So he's been looking at it, too, and we've been going over it. There might be a tax issue with it. It's built in 1939, but it says 1960 on the tax records.

Ms. Griffin: Well that's historic, too; '60.

Ms. McMahon: Right, but I think there was some kind of...I don't know if the garage...I don't know what the issue was. I was trying to look it up, so I'll just find out a little bit more why it changes a little bit. But it does show...the tax records does show originally built in 1939.

Ms. Griffin: Okay. In the tax office, all of the old brown volumes, those are often more accurate in terms of the original dates, and sometimes they will even have little floor plans, and so forth.

Ms. McMahon: I'll go do that. I forgot about that.

Ms. Griffin: And this County...Mr. Hull, can you tell Ms. McMahon about tax credit for residential properties that are on the Register?

Mr. Hull: (Laughter in background) I'm actually not that familiar with it. There are tax credits under the County taxation system, as well as Federal tax credits that we receive; however, I'm not familiar with the specific...

Ms. Griffin: I'm not really either, but...

Ms. McMahon: It used to be like...it was a big break. It was \$100 here for a resident. The idea of the savings...I know what they bought the house for. It was like...in 2002, they bought it for \$375,000. It is a huge house. The area has been subdivided in there. Usually it helps out to preserve it. Her estimates now are quite higher, but that money savings is supposed to help you, so you keep/maintain the roof. You maintain the house; that's what the tax break is for.

Ms. Griffin: I think that we should...you can ask the Department of Finance, but I believe that County residential tax is a full credit for residential properties. Now, that's often just the house itself; not the full property boundaries. But it is worth checking, and I think that right now there are only like eight (8) houses that are on that are taking advantage of that.

Ms. McMahon: Right. And for archaeological sites, I've actually talked to Mauna Kea a little bit about this...the County Attorney...because I had another...the Pooku Heiau, where they were dealing with the tax office and buildable area and trying to get that part exempt. It's actually a preserve, and using that. I think we've kind of reached sort of an agreement. Big Island does it because when I was a State Archaeologist, we worked on something with OHA to get that. So it would be the first to really get archaeological sites to get a break on that.

Ms. Griffin: Wow.

Ms. McMahon: So if we can move on that would be an idea.

Ms. Griffin: Well, please keep us informed. If Mr. Hibbard has any questions or can share anything that would be really wonderful. I believe that it will come to us, the nomination.

Ms. McMahon: Right. I thought we would probably go here first, and then we'll submit it through the process. It's a 120-day...I think the way the new rules or that I saw for the Review Board meets...the next time I think we would be able to meet with the Review Board would be summer time or something like that, if it's all ready. So I'll probably go through you and get it ready here, and then get it supplemented ready that way, but that's where we are at there. Update, I did go in front of the museum and that's a pretty extensive excavation work there in front of the museum.

Ms. Griffin: Thank you so much.

Ms. McMahon: Anyway, thanks.

Re: Report from investigative committee (Permitted Interaction Group) to discuss and explore creating a Smart Phone Application to identify and highlight Historic properties on Kaua'i.

Ms. Griffin: So, C.5. We have the investigative committee about the Smart Phone Application. Should we take that off? Or what do you want to do?

Ms. Wichman: Yes, that's what I would like to suggest. Kuulei and I have not gotten together, and she has not been at several meetings recently, so we've had no time to discuss this. Also, due to the fact that Kaua'i Nui Kuapapa has been funded by the County and they are already doing this, I think we need to pull this from our agenda, or pull this from a working group.

Ms. Griffin: Can you convince Kaua'i Nui Kuapapa to come and tell us about it?

Ms. Wichman: Yes, absolutely. Yes. They have been busy and yes, they plan on giving an informational.

Ms. Griffin: That would be great. That would be really nice.

Ms. Wichman: I'll try to get it on the agenda for next month.

Ms. Griffin: Perfect. So we will drop that as agenda item in the future, C.5., the PIG.

Mr. Hull: I guess you can just receive it for the record.

Ms. Griffin: We are going to drop the PIG as an agenda item because they are not meeting.

Mr. Hull: Yes, I think parliamentary wise, you just have to receive what Commissioner Wichman stated right now as the report, and just receive that.

Ms. Griffin: Oh, I see. I got you; that it's a report. Thank you. Okay, so we'll receive it for the record. Thank you.

Re: Discussion on the status of the Certified Local Government.

Ms. Griffin: So we're at C.6., discussion of the status of the Certified Local Government. Kaaina, we already did D.3., and established a PIG with Victoria, Stephen, Anne, and myself to review and winnow down the document. We have gotten a commitment from the representative of SHPD to set up the criteria for us on how to do that. With the status of the CLG, we've talked about the possibility of applying for CLG funds to put together a PR project, a Public Relations project, on promoting preservation with some of the suggestions that came out of the C.4. PIG. Also, I know there is a discussion of furthering the inventory for CLG funding. Those applications for the Certified Local Government funding, is it March or...?

Ms. Naone: I'm not really sure. I apologize I don't know more about that, but I'll find out.

Ms. Griffin: Yes. It doesn't seem like something we would dally with. Stephen?

Mr. Long: That's my next request of Anna, would be to provide us and update us on the schedule for the application procedure and deadlines, and amounts for the next CLG application round.

Ms. Naone: Okay. I'll make sure we have somebody here on-island for the next meeting.

Ms. Griffin: I so miss Kaiwi. I thought for sure we'd see him today.

Ms. Naone: I know.

Ms. Griffin: He is the Architecture Branch Chief, and I got word this morning that he would be here.

Okay, that would be great because we do hear that SHPD wants requests for money of these funds, and we don't want to miss deadlines because we are relying on a very busy staff to put it together. Anything else about the Certified Local Government? Yes.

Mr. Hull: Just for clarification, while I was out, essentially you guys formed a PIG to do the inventory once we get from SHPD criteria to sieve out; that's my understanding.

Ms. Griffin: Exactly.

Mr. Hull: Wonderful. And once we get that information from SHPD and we can work with the PIG...the Department, I mean, can work with the PIG to get that established. Thank you.

Ms. Griffin: Great. As a Certified Local Government, our ordinance speaks very specifically to our duties. In encouraging, you know, protecting, preserving, perpetuating, promoting, enhancing, and all of that and encouraging National Register, part of that preserving, protecting, promoting is a real need for this County to have a Preservation Planner in the Planning Department. We really took a step a couple of years ago when the County budgeted for a Transportation Planner who splits his time between Planning Department and Public Works. Because our County finances, you know, suffered along with the rest of the Country over the last few years, we hadn't pushed it, but I would very much like to see us ask the County to start preparing for next year's budget and all of those discussions, be able to meet with the Planning Director again, and see how we, as a body, can advocate for a professional Planner in preservation.

Ms. Schneider: There used to be a Preservation Planner when I was a Planner; Gary Canner.

Mr. Hull: Yes.

Ms. Schneider: He was only there for a few years I guess.

Mr. Hull: Yes, just a sign of the times. (Laughter in background)

Ms. Griffin: He did an inventory. But anyway, if there is some way that we can incorporate it into the next month's discussion that would be...it's time to put that back into island consciousness.

Ms. McMahon?

Ms. McMahon: Gary was paid by FEMA funds. There was a Planner that came, Park Planner, that was first paid to help with Po'ipū Beach Park, and then the funds got shifted. He had to leave or something happened I don't remember, and then Gary came over to fill in the position, and they kind of rerouted it because there was such a need because there was that emergency permitting office that was going on and that was what (inaudible).

Ms. Schneider: That was after Iniki; I remember.

Ms. McMahon: Yes. Right. That was why.

Ms. Schneider: Because he was in the office with me.

Ms. McMahon: That was the history of that.

Ms. Griffin: Thank you. Is there any other CLG related conversation?

Mr. Hull: I'll just say concerning the districting, the discussions that happened at the last meetings, we are in touch with SHPD, and we last heard that the possibility of a Staff member would be in November. So ultimately, we are just awaiting word for when the Staff will be here for that particular purpose. As soon as we do get word, we will let you folks know.

Ms. Griffin: Excellent. Thank you.

COMMISSION EDUCATION (None)

Ms. Griffin: There is no Commission Education this month.

SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS (12/2/2015)

Ms. Griffin: And F. The next meeting date is selected as December the 2nd.

Are there additional agenda items that any Commissioner would like to include in next month's agenda? Hearing none. The meeting is adjourned.

ADJOURNMENT

The meeting was adjourned at 4:31 p.m.

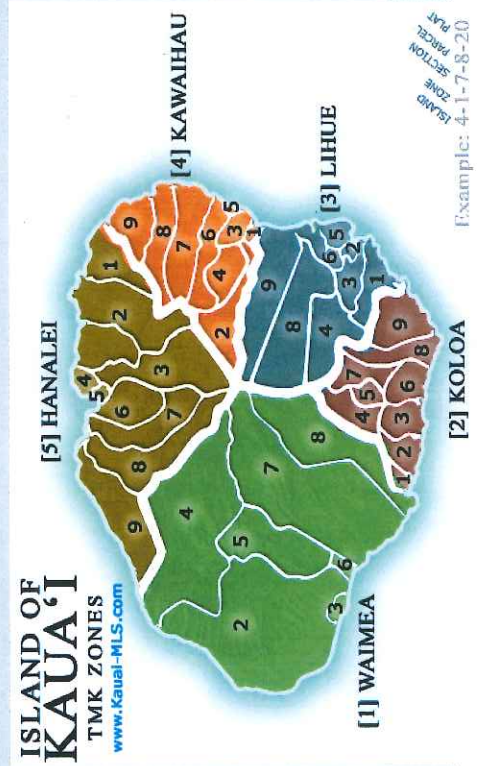
Respectfully Submitted,

Darcie Agaran
Commission Support Clerk

Date: _____

KAUA'I NI'IIHAU ISLAND BURIAL COUNCIL

PRESENTED BY:
DEPARTMENT OF LAND & NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION
HISTORY & CULTURE BRANCH
BURIAL SITES SPECIALIST
KAUANOE HOOMANAWANUI



E.3.

DEC 03 2015

Current KNIBC Members



- Keith Yap, Chairperson, Large Landowner
- Mauna Kea Trask, Vice Chairperson, Koloa
- Leiana Robinson, Ni'ihau
- Debra Ruiz, Waimea
- Barbara Say, Hanalei
- Nathan Kalama, Kawaihau
- Kaeo Bradford, Lihue
- Wayne Harada, Napali

Membership of the Burial Councils



- There are 5 island councils: Hawaii, Maui/Lanai, Molokai, Oahu, Kauai/Niihau
- Each council consists of 9 members. Except Molokai
- Membership consists of no more than 3 representatives of development and large landowner interests.
- Each council shall include at least 1 representative for the following geographic regions.
- KNIBC: 7 Districts; Waimea, Napali, Koloa, Lihue, Kawaihau, Hanalei, and Niihau.

Office of Hawaiian Affairs(OHA) Role in KNIBC



- Generates & Coordinates Candidates to submit to Governors office for appointment.
- Cultural Liaison in protocol, interagency and family consultations.
- Hooponopono: Mihi-an explanation and apology for the disturbance; Hala-forgiveness for the offending action; Oki-an emotional resolution that the offense of disturbing will not have future harmful consequences. This ceremony is regarded by OHA as a healing between living individuals and souls associated with the burial.

OHA's Recommendation Process

- OHA evaluates candidates based on the ability to represent a given region and to demonstrate an “understanding of Hawaiian culture, history, customs, practices, and in particular, beliefs, and practices relating to the care and protection of Native Hawaiian burial sites and ancestral remains and burial goods” (Section 6E-43.5, Hawaii Revised Statutes). Those interested in being recommended by OHA must also affirm their commitment to participating actively in monthly burial council meetings and occasional site visits.

Governors Office



- The governor appoints members to the island burial councils from lists developed by OHA and DLNR. ***By law, at least two regional representatives on each of the island burial councils must be selected from a list of candidates provided by OHA.*** The state Senate confirms all governor-appointed island burial council members.
- Lieutenant Governor's office is notified monthly of Island Burial Council meetings as well as maintaining the term limits and appointments.
(HAR Title 2§2-1-3)

Hawaii State Code of Ethics



HRS Chapter 84 applies to every nominated, appointed, or elected officer, employee, and candidate to elected office of the State and for election to the constitutional convention, but excluding justices and judges; provide that in the case of elected delegates and employees of the constitutional convention, this chapter shall apply only to the enforcement and administration of the code of ethics adopted by the constitutional convention.

- 84-11 Gifts
- 84-11.5 Reporting of gifts
- 84-12 Confidential Information
- 84-13 Fair Treatment
- 84-13.5 Washington Place; campaign activities
- 84-14 Conflicts of Interest
- 84-15 Contracts
- 84-16 Contracts voidable
- 84-17 Requirements of disclosure
- 84-17.5 Disclosure files; disposition
- 84-18 Restrictions on post employment
- 84-19 Violation

Members of the Commission must submit a Financial Disclosure Short Form (D-103A). Failure to file a financial disclosure statement constitutes a violation of the State Ethics Code. Pursuant to HRS § 84-17, the Commission may assess administrative fines and other penalties against any person who fails to timely file a disclosure statement.

Office of Information Practices & Hawaii State Code of Ethics



Chapter 92F-2, Hawaii Revised Statutes(UIPA)

- (1) Promote the public interest in disclosure;
- (2) Provide for accurate, relevant, timely, and complete government records;
- (3) Enhance governmental accountability through a general policy of access to government records;
- (4) Make government accountable to individuals in the collection use, and dissemination of information relating to them; and
- (5) Balance the individual privacy interest an the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy.

Sunshine Law



1. The Sunshine Law is Hawaii's open meetings law. It governs the manner in which all state and county boards must conduct their business. The law is codified at part I of chapter 92, Hawaii Revised Statutes (HRS).
2. The intent of the Sunshine Law is to open up governmental processes to public scrutiny and participation by requiring state and county boards to conduct their business as openly as possible. The Legislature expressly declared that "it is the policy of this State that the formation and conduct of public policy; the discussions, deliberations, decisions, and actions of governmental agencies; shall be conducted as openly as possible".

Composition & Duties

- The primary responsibility of the council is to determine whether previously identified Native Hawaiian burial sites that appear to be over 50 years old should be preserved in place or relocated. **HRS § 6E-43; HAR § 13-300-24(a)**
- The DLNR/SHPD shall consult with the councils as to burial treatment and preservation plans, and the councils shall make recommendations to the SHPD regarding the appropriate management, treatment, and protection of Native Hawaiian burial sites. **HRS § 6E-43.5 (f) (3); HAR § 13-300-24(c)**
- Council members shall assist the SHPD with the inventory and identification of Native Hawaiian burial sites by providing information from families and other sources. **HRS§ 6e-43.5 (f) (2); HAR 13-300-24(e)**
- Councils shall elect a chairperson and vice-chairperson. **HRS § 6E-43.5 (f)(4); HAR § 13-300-24(e)**
- Councils shall maintain a list of appropriate Hawaiian organizations, agencies, and offices to notify regarding the discovery of Native Hawaiian burial sites. **HRS § 6E-43.5(f)(5); HAR § 13-300-24(d)**
- Councils shall decide whether to recognize a claimant to Native Hawaiian burials as a lineal or cultural descendant. **HAR § 13-300-24(g)**

KNIBC's Role With Regard to Previously Identified Burials of Native Hawaiians

- **HAR § 13-300-2** states previously identified means burial sites containing human skeletal remains and any burial goods identified during archaeological inventory survey and data recovery of possible burial sites, or known through oral or written testimony.
- The councils and the SHPD have both decision making and advisory/consulting roles with regard to previously identified Native Hawaiian burials.

Treatment of Previously Identified Burials of Native Hawaiians



1. The Councils Determine:

a. Preservation in place or relocation. **HRS § 6E-43.5(f)(1); HAR § 13-300-33(a)(f); HAR § 13-300-38(a)(1)-(5).**

b. Lineal Descendancy.
HAR § 13-300-35(h)

c. Cultural Descendancy.
HAR § 13-300-35(h)

2. The Council as Advisory/Consulting:

a. Burial site component of a preservation plan.
HAR § 13-300-38(e)

b. Burial site component of a data recovery plan. **HAR § 13-300-38(f)**

KNIBC's role with regard to Inadvertent Discovery of Human Remains



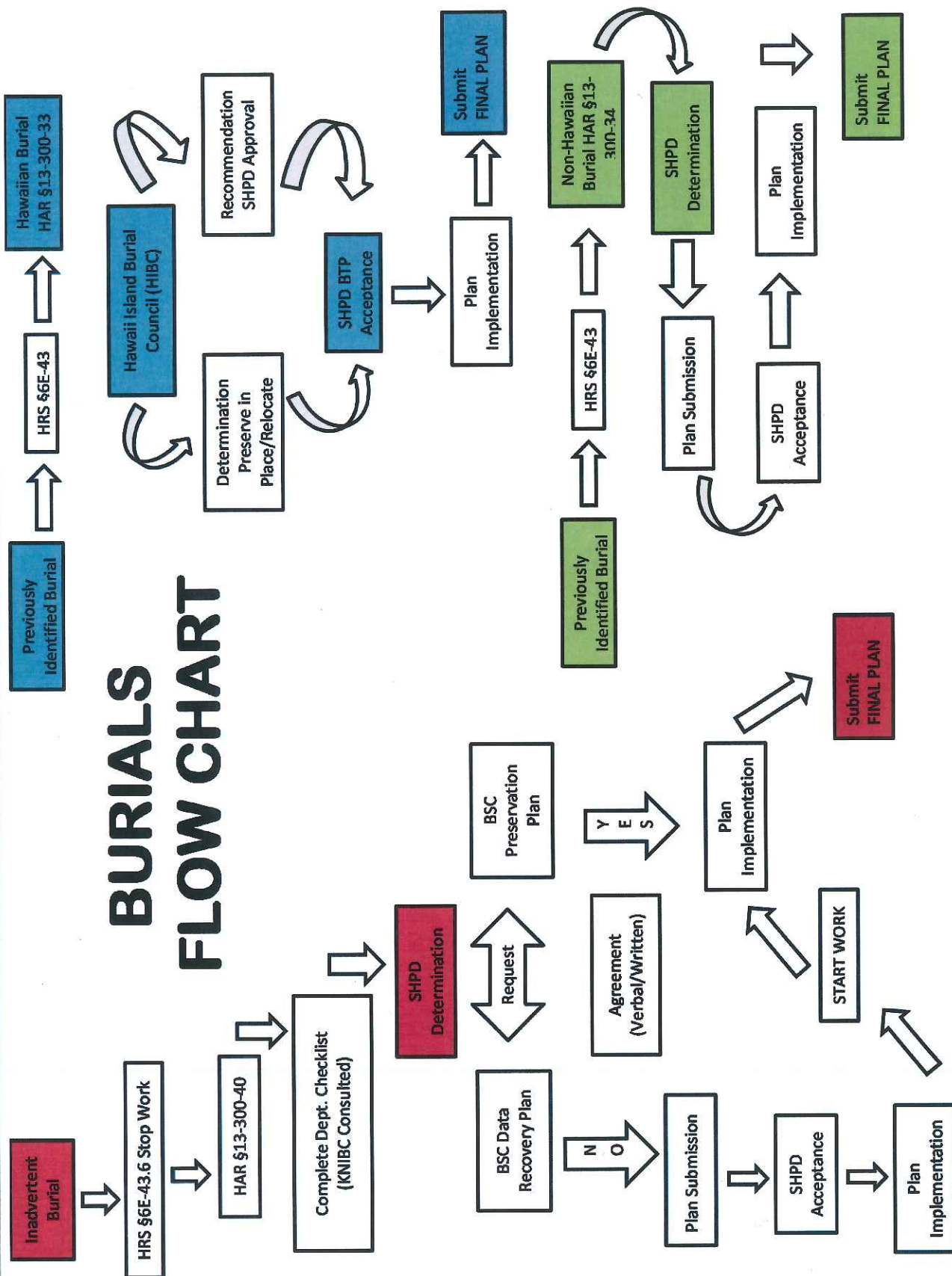
- SHPD has jurisdiction over any inadvertent discovery of human skeletal remains and any burial goods over fifty years old, regardless of ethnicity. HRS §6E-43.6; HAR §13-300-40(a).

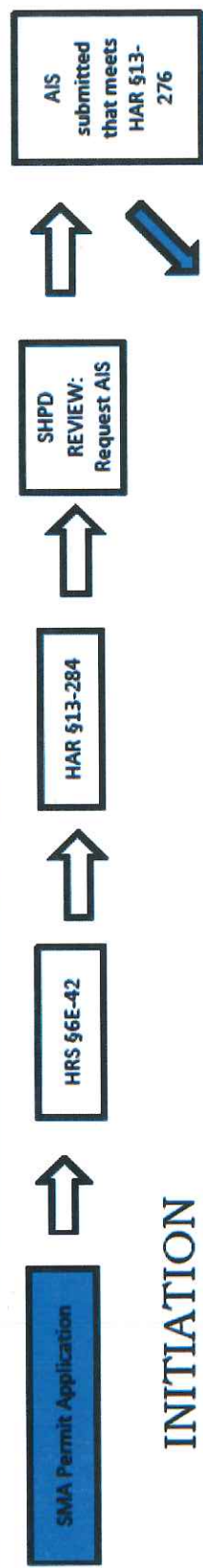
- Notify the council member who represents the geographic region and OHA where the **Native Hawaiian** human skeletal remains were discovered and who may participate in the on-site examination and, if warranted, removal. HAR §13-300-40(c)(6).

- Where the human skeletal remains are reasonably believed to be Native Hawaiian, SHPD shall determine whether to preserve in place or relocated following the criteria in HAR § 13-300-36 and in consultation with:

1. Council members representing the geographic region in which the inadvertent discover occurred;
2. The landowner; and
3. Any known lineal or cultural descendants. HAR § 13-300-40(e)

BURIALS FLOW CHART





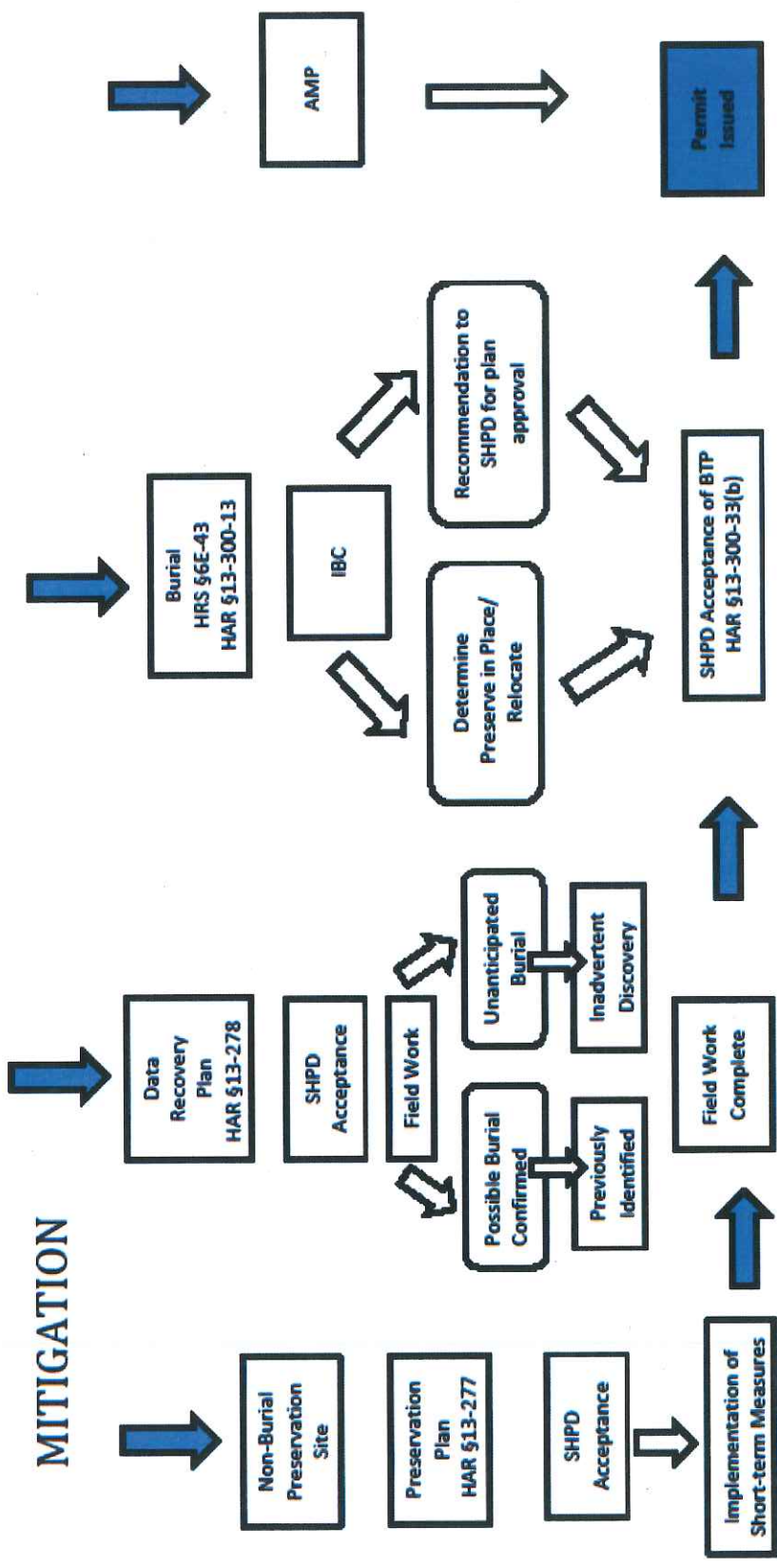
INITIATION

AIS approved by
SHPD

IDENTIFICATION

SHPD PERMIT PROCESS

MITIGATION



Morals & Cultural Practices



Morals

- Ethics, morality, cultural values: In all human societies, they are rules of behavior by beliefs (spiritual/religious).
- Each individual brings their own morals that they have been raised with or taught.

Cultural Practices

- Cultural Practices are generally passed on from one generation to the next.
- Traditions are upheld by the teacher to student experience.
- Make the appropriate recommendations.

Testing Morals & Cultural Practices: Common Problems

- Developers will typically have a project in mind and general plans for uses of different zones of the project area even before they learn anything about potential burial sites.
- Consultation with appropriate parties often occurs late in the planning process.
- Surveys and consultations are seen as tasks to “check off” rather than meaningful processes to achieve the goal of finding and properly caring for iwi kupuna.
- The difference between inadvertent and previously identified is artificial yet impactful in the decision making processes.

Conflicts of Interest Regarding Contractor Archeology Firms

- Their employers are developers.
 - Developer may want archeologists to find little or nothing or to find iwi kupuna late in the process for inadvertent discovery.
 - More thorough and well done studies (EIS, AIS, CIS) are more costly; kapulu studies are cheaper and will find less.
 - They get more money for relocating burials as compared to situations where burials are preserved in place.
 - Archeological “calls” are often made in favor of developers and are often not appropriate from a Hawaiian cultural perspective
1. Identification of boundaries
 2. Identification of site function
 3. Identification of site significance
 4. Mitigation measures
- Burial Treatment Plans: Developers cannot be forced to include in BTP’s adequate boundaries and buffer areas to truly offer burial sites appropriate respect.

Malama Ko Makou Kuleana

